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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,790	07/23/2003	William B. Buzbee	10971491-3	9002

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EXAMINER	
SEYE, ABDOU K	

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,790	BUZBEE ET AL.	
	Examiner	Art Unit	
	Abdou Karim Seye	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-9,11,12,15,16,26-28 and 30-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *24 and 25* is/are allowed.

6)☒ Claim(s) *1,6-9,11,12,15,16,26-28 and 30-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on May 07, 2007 has been received and entered. The amendment amended Claims 1,6-9, 11-12, 15-16, 26-28; cancelled claims 2-5, 10, 13-14, 17-23 and 29 ; and added new claims 30-34. The currently pending claims considered below are Claims 1, 6-9, 11-12, 15-16, 24-28 and 30-34.

2. Claims 24 and 25, they are allowable over the art of record. However a double patenting rejection is outstanding on these claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 26-27 are non statutory.The claimed system is constructed of software program instructions. Thus, the claimed system comprising of an operating system; and a translation system is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional

interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... "

Appropriate correction is required.

Double Patenting

4 . The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman, 11* F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum,* 686 F.2d 937,214 USPQ 761 (CCPA 1982); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer Signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 6-9, 11-12, 15-16, 24-28 and 30-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,658486 in view of Record et al. (U.S. Patent 5625821). The cited patent teaches the overall program as defined in the claims of the patent except for wherein said first value is defined by a bit associated with a bit vector; and receiving a request to unblock said signal.

Whereas, in the same field of endeavor Record discloses an event monitor system that handles system call by setting bit to monitor event calls (FIG. 2a; col. 18, lines 17-63).

It would be obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of patent No. 6,658486 with Record's invention to define a bit operator; and reading the bit value to assist in the decision processing of blocking or unblocking event signals. One would have been motivated to include bit value in the decision processing for blocking or unblocking event signal, because the effect of the blocking or unblocking event signals with a bit would improve the overall efficiency of a system (Record; col. 7, lines 25-32).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

7. Claims 1, 7-9, 12, 15-16, 26-28 and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Solomon **(6269409).**

Claims 1, 9, 15, 26-28 Solomon teaches, a computer system for selectively blocking event signals comprising:

an operating system configured to detect an occurrence of an event and to transmit an event signal corresponding to said event (FIG. 3; col. 3, lines 44-67; col. 4, lines 35-39); and

a translation system having a first data structure and configured to translate a first set of instructions from a program into a second set of instructions and to transmit said second set of instructions to said operating system for execution, said first data structure having a first value indicating whether said event signal is blocked, said first set of instructions incompatible with said operating system and said second set of instructions compatible with said operating system, said translation system configured to identify, within said first set of instructions, a system call for blocking or unblocking said event signal and to update said first value in said first data structure in response to said system call defined by said first set of instructions, said device translation system configured to receive said event signal from said operating system and to transmit, to said program, a signal indicating said occurrence of said event in the absence of an indication from said first value that said event signal is blocked (Fig. 3-6; col. 4, lines 1-67; col. 5, lines 1-67; HAL; SAL; data structure including data values).

As to claim 7, Solomon teaches a second data structure having a second value corresponding with said first value and configured to indicate that said device translation system received said event signal, and wherein said device translation system is further configured to transmit said signal indicating said occurrence of said event based on said second value (FIG. 6; col. 5/610; lines 6-43). This claimed element and the teaching of Solomon's reference meets the claimed limitation of the claim.

As to claim 8, Solomon teaches, wherein said system call is configured to instruct said operating system to unblock said event signal (col. 4, lines 65-67; "clearing of the interrupt"). This claimed element of Solomon's reference meets the claimed limitation of the claim.

As to claim 30, Solomon teaches, wherein said system call is for blocking said event signal, and wherein said translation system is further configured to omit said system call from said second set of instructions such that said operating system does not block said event signal based on said first set of instructions (col. 4, lines 59-67).

As to claims 31, it is rejected for the same reasons as the claims above.

As to claims 12, 16 and 32-33; they are rejected for the same reasons a s the claims above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 6, 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Solomon **(6269409)** in view of Record et al **(5625821).**

As to claims 6, 11 Solomon teaches, a computer system for selectively blocking event signals as in claims 1, 9, 15, 26-28 above.

However, Solomon does not teach, wherein said first value is defined by a bit associated with a bit vector.

Whereas, in the same field of endeavor, Record discloses an event monitor function reading a event wait bit in an event monitor (col. 18, lines 17-63).

It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Solomon's invention with Record's invention to define a bit and reading the bit value to assist in the decision processing of event signals. One would have been motivated to include bit value in the decision processing for blocking or unblocking event signal, because the effect of the blocking with a bit would improve the overall efficiency of a system (Record; col. 7, lines 25-32).

Response to Arguments

10. Applicant's arguments filed on May 07, 2007 with respect to claims 1, 6-9, 11-12, 15-16, 26-28 and 30-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Golshani et al (5678047) discloses automatically invoked operating system translator.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached on Mon - Fri, 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKS
November 23, 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER